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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,844	12/03/2003	Horst Schonebeck	60,130-1966;02MRA0358	5581
26096	7590	08/16/2004	EXAMINER	
CARLSON, GASKEY & OLDS, P.C. 400 WEST MAPLE ROAD SUITE 350 BIRMINGHAM, MI 48009			COLETTA, LORI L	
			ART UNIT	PAPER NUMBER
			3612	

DATE MAILED: 08/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/726,844	Applicant(s) SCHONEBECK, HORST	
	Examiner Lori L. Coletta	Art Unit 3612	<i>MJC</i>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 28-34 is/are rejected.
- 7) ☒ Claim(s) 10-27 and 35-42 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12904 & 41904</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

“a C-shaped or double-T shape 78” [21] needs to be changed to

--a C-shaped or double-T shape 70--.

Appropriate correction is required.

Claim Objections

2. Claims 19-27 are objected to because of the following informalities:

Regarding claims 19-27, “The vehicle roof” (line 1) needs to be changed to

--The vehicle roof system--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1-9 and 28-34 are rejected under 35 U.S.C. 102(a) as being anticipated by PCT reference WO 03/045762.

Regarding claim 1, PCT reference ‘762 discloses a vehicle roof system, comprising a roof frame (4) having an inwardly pointing edge (6); a roof module (10) permanently and fixedly attached to the roof frame (4); and a rigid safety element (26 in Fig. 3a, 25 in Fig. 3b and 34 in Fig. 3d) disposed in the roof module (10) and having at least one portion

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(25 in Fig. 3a, 29 in Fig. 3b and 25 in Fig. 3d) extending toward the edge (6) in a plane disposed below the edge (6) in Figures 3a, 3b and 3d.

Regarding claims 2 and 29, PCT reference '762 discloses the vehicle roof system, wherein the safety element (26) is spaced away from the edge during normal assembly of the roof frame (4) and the roof module (10) in Figure 3a.

Regarding claim 3, PCT reference '762 discloses the vehicle roof system, wherein the edge (6) comprises a flange that is integrally formed with the roof frame (4) as an inwardly-pointing extension of the roof frame in Figures 3a, 3b and 3d.

Regarding claim 4, PCT reference '762 discloses the vehicle roof system, wherein the flange is a plate-shaped sheet metal portion in Figures 3a, 3b and 3d.

Regarding claims 5 and 30, PCT reference '762 discloses the vehicle roof system, wherein the roof module (10) is attached (17) to the edge (6) in Figures 3a, 3b and 3d.

Regarding claims 6 and 31, PCT reference '762 discloses the vehicle roof system, wherein the roof module (10) is attached to the edge (6) by an adhesive (17) in Figures 3a, 3b and 3d.

Regarding claims 7 and 32, PCT reference '762 discloses the vehicle roof system, wherein the adhesive (17) forms a continuous adhesive bead on the entire edge (6) in Figure 3b.

Regarding claims 8 and 33, Regarding claim 1, PCT reference '762 discloses the vehicle roof system, wherein the roof module (10) is attached to the edge (6) by at least one fastener (27) in Figure 3b.

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Regarding claims 9 and 34, PCT reference '762 discloses the vehicle roof system, wherein the safety element (26 in Fig 3a and 34 in Fig. 3d) is a sheet metal part in Figures 3a and 3d.

Regarding claim 28, PCT reference '762 discloses a vehicle roof system for a vehicle having a roof frame (4) with an inwardly pointing edge (6), the system comprising a roof module (10) permanently and fixedly attached to the roof frame (4); and a rigid safety element (34) disposed in the roof module and having at least one portion (25) extending toward the edge in a plane disposed below the edge in Figure 3d.

Allowable Subject Matter

5. Claims 18-27 are allowed.

6. The following is a statement of reasons for the indication of allowable subject matter:

The recitations of the specific features of the vehicle roof system in claim 18 including especially the construction of the hollow portion receiving the edge in the event of a displacement of the edge toward the safety element is not taught nor is fairly suggested by the prior art of record.

7. Claims 10-17 and 35-42 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited references show several other vehicle roofs similar to that of the current invention.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lori L. Coletta whose telephone number is (703) 306-4614.

The examiner can normally be reached on Monday-Friday 6:00am-2:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Lori L. Coletta
Primary Examiner
Art Unit 3612

llc
August 12, 2004